

1 BILL NO. A-87-07-02

2 APPROPRIATION ORDINANCE NO. A-01-87

3 AN ORDINANCE appropriating monies  
4 from the unappropriated and unobli-  
5 gated balance in the Cable TV Fund  
6 to an account in the 1987 budget of  
7 the Cable TV Fund to provide further  
8 public use of the local Cable TV System.

9 WHEREAS, Ordinance No. G-10-85 provides that forty  
10 percent (40%) of the Cable TV franchise fees be placed in the  
11 Cable TV Fund to be used for cable related expenses; and

12 WHEREAS, Ordinance No. G-10-85 provides that the Cable  
13 Television Program Advisory Council (CTPAC) is to make recommenda-  
14 tions for the expenditures of the Cable TV Fund to enhance the  
15 public use of the Cable TV System; and

16 WHEREAS, CTPAC has made various recommendations and  
17 from these recommendations and from the recommendations from  
18 the City, the following grants are proposed:

17	Cable Access, Inc.	\$ 3,000.00
18	Indiana-Purdue Universities at Fort Wayne	15,859.00
19	Saint Francis College	11,500.00
20	Precious Blood School	24,000.00
21	TOTAL	\$ 54,359.00; and

22 WHEREAS, the City Controller has recommended this  
23 appropriation and states that the details of each grant proposal  
24 is available for inspection.

25 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
26 OF THE CITY OF FORT WAYNE, INDIANA:

27 SECTION 1. That there is hereby appropriated to the  
28 1987 budget of the Cable TV Fund, stated below, the following  
29 sum, to-wit:

30	<u>Dept.</u>	<u>Acct. No.</u>	<u>Description</u>	<u>Amount</u>
31	Cable TV Fund	4395	Grants	\$54,359.00



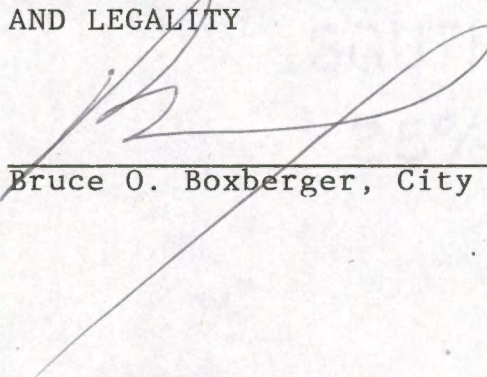
1 Page Two

2 SECTION 2. That the unappropriated and unobligated  
3 balance of the Cable TV Fund, Account No. 166 is hereby reduced  
4 by the sum of Fifty-Four Thousand Three Hundred Fifty-Nine and  
5 No/100 Dollars (\$54,359.00).

6 SECTION 3. That this Ordinance shall be in full force  
7 and effect from and after its passage and any and all necessary  
8 approval by the Mayor.

9  
10   
Councilmember

11 APPROVED AS TO FORM  
12 AND LEGALITY

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14 Bruce O. Boxberger, City Attorney  
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Read the first time in full and on motion by Esteban  
seconded by Redd, and duly adopted, read the second time  
by title and referred to the Committee Finance (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne  
Indiana, on Tuesday, the 28th day of  
July, 19 87, at 7:00 o'clock P.M., E.  
DATE: 7-14-87  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Esteban  
seconded by Redd, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>5</u>	<u>1</u>	<u>2</u>	<u>1</u>	
BRADBURY				<u>✓</u>	
BURNS	<u>✓</u>				
EISBART	<u>✓</u>				
GIAQUINTA		<u>✓</u>			
HENRY			<u>✓</u>		
REDD	<u>✓</u>				
SCHMIDT			<u>✓</u>		
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 8-11-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 9-01-87  
on the 11th day of August, 19 87,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 12th day of August, 19 87,  
at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of August,  
19 87, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



BILL NO. A-87-07-02

*held for  
2 weeks  
Aug. 11*

REPORT OF THE COMMITTEE ON PUBLIC RELATIONS COMMITTEE

WE, YOUR COMMITTEE ON PUBLIC RELATIONS COMMITTEE TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) appropriating monies  
from the unappropriated and unobligated balance in the Cable  
TV Fund to an account in the 1987 budget of the Cable TV Fund  
to provide further public use of the local Cable TV System

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

THOMAS C. HENRY  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRPERSON  
BEN A. EISBART

CHARLES B. REDD

DONALD J. SCHMIDT

MARK E. GIAQUINTA

PAUL M. BURNS

SAMUEL J. TALARICO

JAMES S. STIER

CONCURRED IN 8-11-87

SANDRA E. KENNEDY  
CITY CLERK

BILL NO. A-87-07-02

*Aug 11*

REPORT OF THE COMMITTEE ON

*Committee of the Whole*  
FINANCE

WE, YOUR COMMITTEE ON

*Committee of the Whole*  
FINANCE

TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) appropriating monies

from the unappropriated and unobligated balance in the

Cable TV Fund to an account in the 1987 budget of the Cable  
TV Fund to provide further public use of the local Cable TV  
System

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

BEN A. EISBART  
CHAIRMAN

JAMES S. STIER  
VICE CHAIRMAN

CHARLES B. REDD

DONALD J. SCHMIDT

SAMUEL J. TALARICO

CONCURRED IN

SANDRA E. KENNEDY  
CITY CLERK

*Hold til  
2 weeks*





# The City of Fort Wayne

July 15, 1987

Ms. Marilyn Romine  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the dates  
of July 18 & 25, 1987, in both the News Sentinel and  
Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. A-87-07-02  
Appropriation Ordinance

Please send us 6 copies of the Publisher's Affidavit  
from both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL:



NOTICE TO TAXPAPERS OF  
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 28th day of July, 1987, at 7:00 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

BILL NO. A-87-07-02

WHEREAS, Ordinance No. G-10-85 provides that forty percent (40%) of the Cable TV franchise fees be placed in the Cable TV Fund to be used for cable related expenses; and

WHEREAS, Ordinance No. G-10-85 provides that the Cable Television Program Advisory Council (CTPAC) is to make recommendations for the expenditures of the Cable TV Fund to enhance the public use of the Cable TV System; and

WHEREAS, CTPAC has made various recommendations and from these recommendations and from the recommendations from the City, the following grants are proposed:

Cable Access, Inc.	\$ 3,000.00
Indiana-Purdue Universities at Fort Wayne	15,859.00
Saint Francis College	11,500.00
Precious Blood School	24,000.00
TOTAL	<u>\$ 54,359.00</u> ; and

WHEREAS, the City Controller has recommended this appropriation and states that the details of each grant proposal is available for inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated to the 1987 budget of the Cable TV Fund, stated below, the following sum, to-wit:

<u>Dept.</u>	<u>Acct. No.</u>	<u>Description</u>	<u>Amount</u>
Cable TV Fund	4395	Grants	\$54,359.00

SECTION 2. That the unappropriated



EMERGENCY APPROPRIATION ORDINANCE

WHEREAS, certain extraordinary emergencies have developed since the adoption of the existing annual budget, so that it is now necessary to appropriate more money that was appropriated in the annual budget; now therefore, to meet such extraordinary emergencies:

Sec. 1 Be it ordained by the Common Council of the City of Fort Wayne, Allen County, Indiana, that for the expenses of said municipal corporation the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
BILL NO. <u>2-01-87</u> A-87-07-02	\$ 54,359.00	\$ 54,359.00

SEE ATTACHED ORDINANCE

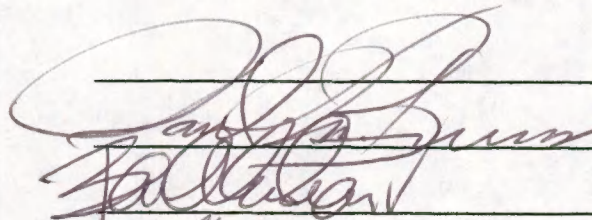
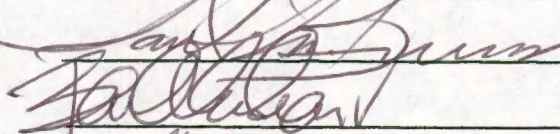
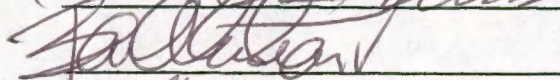
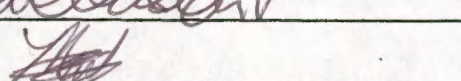
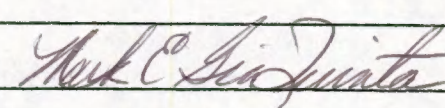

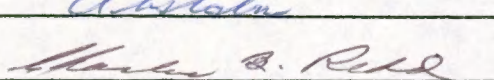
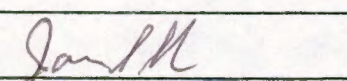
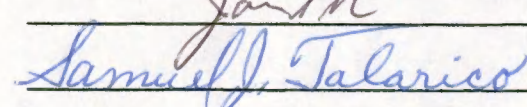
	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
BILL NO. <u>2-01-87</u> A-87-07-02	\$ 54,359.00	\$ 54,359.00

SEE ATTACHED ORDINANCE

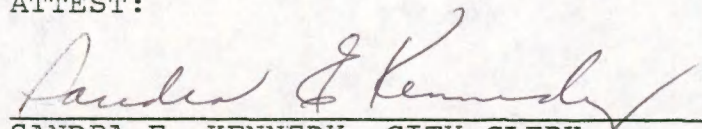
ADOPTED THIS 11th DAY OF August 1987

AYES

NAYS

	JANET G. BRADBURY	<u>absent</u>
	PAUL M. BURNS	
	BEN A. EISBART	
	MARK E. GIAQUINTA	
	THOMAS C. HENRY	
	CHARLES B. REDD	
	DONALD J. SCHMIDT	
	JAMES S. STIER	
	SAMUEL J. TALARICO	

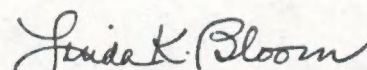
ATTEST:

  
SANDRA E. KENNEDY, CITY CLERK

Issued 9-21-64-----State Board of Tax Commissioners

AUDITOR'S OFFICE

**FILED**  
AUG 13 1987

  
AUDITOR OF ALLEN COUNTY



BILL NO. A-87-07-02

APPROPRIATION ORDINANCE NO. A-01-87

AN ORDINANCE appropriating monies from the unappropriated and unobligated balance in the Cable TV Fund to an account in the 1987 budget of the Cable TV Fund to provide further public use of the local Cable TV System.

WHEREAS, Ordinance No. G-10-85 provides that forty percent (40%) of the Cable TV franchise fees be placed in the Cable TV Fund to be used for cable related expenses; and

WHEREAS, Ordinance No. G-10-85 provides that the Cable Television Program Advisory Council (CTPAC) is to make recommendations for the expenditures of the Cable TV Fund to enhance the public use of the Cable TV System; and

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Cable TV Fund	4395	Grants	\$54,359.00



1 Page Two

2 SECTION 2. That the unappropriated and unobligated  
3 balance of the Cable TV Fund, Account No. 166 is hereby reduced  
4 by the sum of Fifty-Four Thousand Three Hundred Fifty-Nine and  
5 No/100 Dollars (\$54,359.00).

6 SECTION 3. That this Ordinance shall be in full force  
7 and effect from and after its passage and any and all necessary  
8 approval by the Mayor.

9  
10   
11 Councilmember

12 APPROVED AS TO FORM  
13 AND LEGALITY

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15 Bruce O. Boxberger, City Attorney  
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REGARDING BILL NO. A-87-07-02

BILL NO. A-87-07-02

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE appropriating monies from the  
unappropriated and unobligated balance in the  
Cable TV Fund to an account in  
the 1987 budget of the Cable TV Fund  
to provide further public use of the  
local Cable TV System

The above Bill No. A-87-07-02 was placed on hold for two weeks  
(2) pending a legal opinion from the Common Council Attorney.

DATE: 7-28-87

Sandra E. Kennedy  
City Clerk





# The City of Fort Wayne

August 7, 1987

The Honorable Mark E. GiaQuinta, President  
Fort Wayne City Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Dear Councilman GiaQuinta:

The city council has requested a legal opinion as to the constitutionality of City Ordinance A-87-07-02 relating to the appropriation of monies from the Cable TV Fund which includes a grant to two educational institutions with religious affiliations.

## I. Facts.

The ordinance before the council involves the appropriation of non-tax funds raised as part of the cable user fees. The user fees are turned over to the Board of Works. Part of those fees are to be used to promote the use of the public access channels of the cable TV system. The appropriation in question involves grants to two public schools, a local parochial grade school and a local parochial college. The grant was approved as part of a submission process open to all schools on an equal basis. The grant process is administered by a citizen board which recommends the appropriation to the city government.

The grants in question are for the purpose of promoting the use of the public access channels. In particular, the grants in question are to promote the school access channels. The grants are for the purchase of television equipment to be used in producing programing on the public access channels of the cable system. Unless the user violates the grant, the purchased equipment will be the property of the grant recipient. It would appear that the right of reversion of the ownership of the equipment lasts for as long as the equipment exists. The grant agreement, required to be signed by the recipient, expressly provides that the equipment purchased may be used by others to produce access programing and will not be used for an religious purpose.

The city attorney has issued an informal (non-written) opinion that the ordinance is constitutional.

An Equal Opportunity Employer

One Main Street, Fort Wayne, Indiana 46802



## II. Legal Question.

The legal question is whether the grants to the parochial schools violate the traditional doctrine of separation between church and state.

## III. Applicable Laws.

The laws which apply to the situation are found in the First Amendment to the United States Constitution and in Sections 2, 3, 4, 5, 6 and 7 of Article I of the Constitution of the State of Indiana. Those constitutional provisions read as follows:

### U.S. Constitution - First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for the redress of grievances.

### Indiana Constitution - Article I

Section 2. All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences. [As amended 1984.]

Section 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Section 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no person shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent. [As amended 1984.]

Section 5. No religious test shall be required as a qualification for any office of trust or profit.

Section 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.



Section 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

With the adoption of the Fourteenth Amendment to the Constitution of the United States the First Amendment has been held to apply to the states and to their political subdivisions (i.e. counties, townships, cities and towns). The foregoing provisions of the Indiana Constitution are the equivalent of the First Amendment of the U.S. Constitution. Other than the state constitutional provisions, there do not appear to be any state laws relevant to the foregoing.

In addition to the First Amendment, the most relevant Indiana provision is Section 6 of Article I.

#### IV. Case Law and Interpretations.

There is only one Indiana case interpreting Section 6 of Article I of the Indiana Constitution. However, it is not directly in point. It is the case of State ex rel. Johnson v. Boyd (1940) 217 Ind. 348, 28 N.E.2d 256. That case holds that a school corporation may use parochial school buildings for public school purposes (even though those buildings contained religious pictures and furnishings) and to employ Catholic teachers in the public schools (even though they continued to wear their religious robes). The court as a matter of dictum (non-binding opinion) suggested that public officials who knowingly pay money from the public treasury in violation of Article I, Sections 4 and 6 could be required to reimburse the treasury for the amounts paid.

There are two Indiana Attorney General opinions on Section 6 of Article I of the Indiana Constitution. It should be noted that Attorney General opinions, like this opinion, is merely the opinion of the government's attorney advising other agencies of the government on what that office thinks is the present state of the law. It is in no way binding upon the courts. The first opinion is 1934 Op. Att'y Gen. Ind. 356 which held that the State of Indiana cannot pay money directly to a parochial school to pay for inoculations for its students. The second opinion is 1967 Op. Att'y Gen. Ind. 9 (Official Opinion No. 3) which held that a pending Indiana House of Representatives bill providing that Indiana school corporations may provide bus transportation to parochial school students is constitutional.

Since there are no Indiana cases other than the State ex rel. Johnson case discussed above interpreting the language of the Indiana Constitution, we are left with the cases under the U.S. Constitution. While the language of the Indiana and U.S. Constitutions are different on this point, it is my opinion that they intend the same result. The state constitution uses the words that state money may not be used for the "benefit" of any



religious or theological institution and the federal constitution states that the government may not aid the "establishment" of religion. The question becomes whether the grant in question is for the benefit or the establishment of religion. It should be noted at this point that the grant is for television equipment and cannot be used for any religious purpose. It is to be used for the production of non-religious programming for the public access channels of the cable system. It is clear that the grants are not to be used for the benefit or the establishment of religion.

The area of constitutional law dealing with the relations between government and religion is one of the most difficult in American constitutional law. There are numerous constitutional cases on various aspects of the relationship from school prayer to christmas trees. One of the leading legal encyclopedias American Jurisprudence states:

It is virtually impossible to draw constitutional rules of universal application to all cases involving the relationship between governments and sectarian schools. However, there seems to be emerging from the Supreme Court cases a judicial approach to problems involving the First Amendment's establishment of religion clause, which approach, while not offering complete predictability of result, does provide helpful guidelines. In a recent case involving the use of public funds to purchase certain secular educational services for church related schools, the Supreme Court stated that in deciding whether a particular statute can withstand an attack based on the First Amendment's establishment clause, three tests are applicable; First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances or inhibits religion; and finally, the statute must not foster an excessive government entanglement with religion. This statement, particularly when coupled with a statement from an earlier Supreme Court decision involving the loan of textbooks by public authorities to parochial school students, suggests a "balancing of factors" approach, rather than a rigid, doctrinal approach. 68 Am. Jur. 2d Schools §291 (1973)[unchanged by the 1986 Supplement].

In the case of Tilton v. Richardson (1971) 403 U.S. 672 the U.S. Supreme Court upheld the federal government's grant to a religious college of money to build school buildings to be used only for non-religious purposes. In the case of Hunt v. McNair



(1973) 413 U.S. 734 the U.S. Supreme Court sustained a state statute which permitted the state to finance and build and then lease school buildings to a religious college. Based on the foregoing, the 1934 Indiana Attorney General opinion no longer reflects the current state of constitutional law on this point.

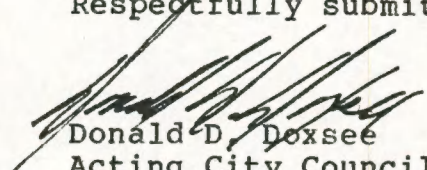
The ordinance in question meets the three requirements to avoid a constitutional prohibition. It is clear that the ordinance has a secular (non-religious) purpose which is promoting the use of the school cable access channels. The primary effect is that it neither advances nor inhibits religion in that the grant agreement expressly provides that the equipment purchased may in no way be used for religious purposes. Finally, there is no government entanglement with religion in that the only requirement of the grant is that it be used to purchase equipment and that title only reverts to the state if the equipment is ever used for religious purposes.

It has been mentioned that the funds for the grants do not come from tax money, but rather from cable fees. However, since the money has been paid into city accounts, it becomes government money for the purpose of the constitutional considerations. It might be a different case if the government had no control over any requirement to create the fund, the control of the fund and control of disbursements from the fund.

#### V. Conclusion.

From the foregoing analysis there is sufficient basis to support the opinion of the city attorney that the appropriation ordinance containing the grants of cable television monies is constitutional.

Respectfully submitted,

  
Donald D. Dorse  
Acting City Council Attorney

DDD/dd



7/1/14

DIGEST SHEET

TITLE OF ORDINANCE: SPECIAL

DEPARTMENT REQUESTING ORDINANCE: PURCHASING

SYNOPSIS OF ORDINANCE:

J-87-07-34

An ordinance approving Civil City purchase orders #00822 and #00823 with respect to the purchase of Computer Equipment. Per the specifications in Reference #3151 for the Fort Wayne Park Department.

EFFECT OF PASSAGE:

The department, with a transition to office automation, will increase the productivity of all the employees.

EFFECT OF NON-PASSAGE:

The department will continue to do all of the office procedures without the help of computers.

MONEY INVOLVED (direct costs, expenditures, savings):

Microage	\$ 6,468.00 +/-
Computer Corner	\$ 4,793.00 +/-

ASSIGNED TO COMMITTEE (President):



## Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

2

Body number of lines

60

Tail number of lines

1

Total number of lines in notice

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .450¢ \$ 28.35  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two) 4 extra 4.00

TOTAL AMOUNT OF CLAIM

\$ 32.35

## DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Rose

Title CLERK

NOTICE TO TAXPAYERS OF  
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 28th day of July, 1987, at 7:00 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

BILL NO. A-87-07-02

WHEREAS, Ordinance No. G-10-85 provides that forty percent (40%) of the Cable TV franchise fees be placed in the Cable TV Fund to be used for cable related expenses; and

WHEREAS, Ordinance No. G-10-85 provides that the Cable Television Program Advisory Council (CTPAC) is to make recommendations for the expenditures of the Cable TV Fund to enhance the public use of the Cable TV System; and

WHEREAS, CTPAC has made various recommendations and from these recommendations from the City, the following grants are proposed:

Cable Access, Inc. \$3,000.00  
Indiana-Purdue Universities at Fort Wayne \$15,859.00

Saint Francis College \$11,500.00  
Precious Blood School \$24,000.00

TOTAL \$54,359.00; and

WHEREAS, the City Controller has recommended this appropriation and states that the details of each grant proposal is available for inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated to the 1987 budget of the Cable TV Fund, stated below, the following sum, to-wit:

Dept.: Cable TV Fund

Acct. No.: 4395

Description: Grants

Amount: \$54,359.00

SECTION 2. That the unappropriated and unobligated balance of the Cable TV Fund, Account No. 166 is hereby reduced by the sum of Fifty-Four Thousand Three Hundred Fifty-Nine and No/100 Dollars (\$54,359.00).

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days at the County Auditor's Office of Allen County, Indiana, or at such other place as may be designated. At such hearing, taxpayers objection to any of such additional appropriations may be heard and interested taxpayers may inquire of the County Auditor when and where such hearing will be held.

SANDRA E. KENNEDY, CITY CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose

who, being duly sworn, says

that he/she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times

the dates of publication being as follows:

7/18 - 7/25/87

Subscribed and sworn to me before this 25th day of July 19 87

Anne M. Perkins

Notary Public

My commission expires November 29, 1989



## Fort Wayne Common Council

(Governmental Unit)  
Allen

County, IN

To NEW-SENTINEL Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

2

60

1

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .450¢ \$ 28.35  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two) 4 extra

4.00

TOTAL AMOUNT OF CLAIM

\$ 32.35

## DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla RoseTitle CLERK

July 25 87

NOTICE TO TAXPAYERS OF  
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 28th day of July, 1987, at 7:00 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

BILL NO. A-87-07-02

WHEREAS, Ordinance No. G-10-85 provides that forty percent (40%) of the Cable TV franchise fees be placed in the Cable TV Fund to be used for cable related expenses; and

WHEREAS, Ordinance No. G-10-85 provides that the Cable Television Program Advisory Council (CTPAC) is to make recommendations for the expenditures of the Cable TV Fund to enhance the public use of the Cable TV System; and

WHEREAS, CTPAC has made various recommendations and from these recommendations and from the recommendations from the City, the following grants are proposed:

Cable Access, Inc. \$3,000.00  
Indiana-Purdue Universities at Fort Wayne \$15,859.00

Saint Francis College \$11,500.00  
Precious Blood School \$24,00.00

TOTAL \$54,359.00; and  
WHEREAS, the City Controller has recommended this appropriation and states that the details of each grant proposal is available for inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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SANDRA E. KENNEDY, CITY CLERK

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State of Indiana  
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose who, being duly sworn, saysthat he/she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

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7/18 - 7/25/87Subscribed and sworn to me before this 25th day of July, 19 87Anna M. Perkins Notary PublicNovember 29, 1989

My commission expires